

TWENTY-SEVENTH DAY - FEBRUARY 14, 2005**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
FIRST SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 14, 2005

PRAYER

The prayer was offered by Pastor Brad Boyer, St. John and Zion Lutheran Churches, Chester.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Combs who was excused; and Senator Byars who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 492, after line 19, insert "Pending."

The Journal for the twenty-sixth day was approved as corrected.

STANDING COMMITTEE REPORTS**Revenue**

LEGISLATIVE BILL 40. Placed on General File as amended.

Standing Committee amendment to LB 40:

AM0387

- 1 1. Insert the following new section:
- 2 "Sec. 4. This act becomes operative on October 1,
- 3 2005."
- 4 2. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 356. Indefinitely postponed.

LEGISLATIVE BILL 386. Indefinitely postponed.

LEGISLATIVE BILL 513. Indefinitely postponed.

(Signed) David Landis, Chairperson

Education

LEGISLATIVE BILL 39. Placed on General File.

LEGISLATIVE BILL 352. Placed on General File.

LEGISLATIVE BILL 196. Placed on General File as amended.

Standing Committee amendment to LB 196:

AM0406

- 1 1. Strike original section 4 and insert the following
- 2 new section:
- 3 "Section 1. Section 85-408, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 85-408. The boards are authorized and directed to
- 6 establish and maintain such schedule of rates, fees, or charges for
- 7 the use of the facilities afforded by the buildings constructed or
- 8 acquired under sections 85-401 to 85-411 and other facilities
- 9 controlled by such board, the revenue of which in whole or in part
- 10 is pledged to the holder of the bonds, which shall be in an amount
- 11 at least sufficient on the amortization plan to pay the operating
- 12 and maintenance charges thereof and the principal and interest
- 13 representing the indebtedness against the income and revenue
- 14 therefrom and may be sufficient in amount to provide for such bond
- 15 reserve, replacement, and surplus funds as the boards in their
- 16 discretion shall determine. The amounts in such funds shall be
- 17 expended for such purposes in connection with the facilities as the
- 18 boards shall determine, and any amount in any surplus or
- 19 replacement fund and any amounts received through the sale,
- 20 condemnation, or destruction of any facilities may be used to
- 21 construct, repair, or replace any of the types of facilities
- 22 described in section 85-403. Any amounts in such funds are
- 23 specifically appropriated to the purposes of such funds and shall
- 24 at all times be subject to the orders of the boards accordingly.
- 1 Before any single expenditure in excess of ~~two hundred~~
- 2 fifty five hundred thousand dollars is made from any such surplus
- 3 or replacement fund, the board concerned shall first submit such
- 4 proposed expenditure to the Coordinating Commission for
- 5 Postsecondary Education for review as provided in section 85-1415
- 6 and secure the approval of the Legislature or, if the Legislature
- 7 is not in session, of the Executive Board of the Legislative
- 8 Council as provided in such section."
- 9 2. On page 3, line 27, strike "fifty", show as stricken,
- 10 and insert "seventy-five".
- 11 3. On page 13, line 13, strike "85-1402" and insert
- 12 "85-408, 85-1402,"; and in line 14 strike "sections 85-1414 and
- 13 85-1920" and insert "section 85-1414".
- 14 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 689. Placed on General File as amended.

Standing Committee amendment to LB 689:

AM0403

1 1. On page 2, line 12, strike "Two representatives" and
 2 insert "One school district superintendent or public school
 3 principal;
 4 (7) One representative"; in line 13 strike ", one of
 5 whom" and insert "who"; in line 15 strike "(7) Two representatives"
 6 and insert "(8) One representative"; in line 16 strike "(8) Two
 7 representatives" and insert "(9) One representative"; strike line
 8 18; in line 19 after "Governor" insert "
 9 (11) One representative of the Nebraska Educational
 10 Telecommunications Commission who has expertise in technology
 11 infrastructure or distance education;
 12 (12) One representative of the University of Nebraska who
 13 has expertise in technology infrastructure or distance education;
 14 (13) One representative of state colleges who has
 15 expertise in technology infrastructure or distance education;
 16 (14) One representative of community colleges who has
 17 expertise in technology infrastructure or distance education; and
 18 (15) One representative of the Coordinating Commission
 19 for Postsecondary Education who has expertise in dual enrollment
 20 courses"; in line 20 strike "(7)" and insert "(8)"; in line 21
 21 strike "(9)" and insert "(11) through (15)"; and in line 23 strike
 22 "(6), (8)" and insert "(7), (9)".
 23 2. On page 3, line 17, strike "November 1" and insert
 24 "December 31"; and in line 18 strike "broadband" and insert "high
 1 capacity".

(Signed) Ron Raikes, Chairperson

NOTICE OF COMMITTEE HEARINGS
Appropriations
 Room 1003

Thursday, February 24, 2005

1:30 p.m.

AGENCY 81 - Commission for the Blind and Visually Impaired
 AGENCY 38 - Commission on the Status of Women
 AGENCY 67 - Equal Opportunity Commission
 AGENCY 68 - Commission on Mexican-Americans
 AGENCY 70 - State Foster Care Review Board
 AGENCY 76 - Commission on Indian Affairs
 AGENCY 82 - Commission for the Deaf and Hard of Hearing

(Signed) Don Pederson, Chairperson

Government, Military and Veterans Affairs
 Room 1507

LB 512 Wednesday, February 23, 2005
 LB 566 Wednesday, February 23, 2005

1:30 p.m.
 1:30 p.m.

LB 682	Wednesday, February 23, 2005	1:30 p.m.
LB 761	Wednesday, February 23, 2005	1:30 p.m.
LB 459	Thursday, February 24, 2005	1:30 p.m.
LB 475	Thursday, February 24, 2005	1:30 p.m.
LB 519	Thursday, February 24, 2005	1:30 p.m.
LB 683	Thursday, February 24, 2005	1:30 p.m.
LR 11CA	Thursday, February 24, 2005	1:30 p.m.
Thursday, February 24, 2005		1:30 p.m.
Judy Schweikart - Nebraska Accountability and Disclosure Commission		
LB 602	Wednesday, March 2, 2005	1:30 p.m.
LB 657	Wednesday, March 2, 2005	1:30 p.m.
LB 684	Wednesday, March 2, 2005	1:30 p.m.
LB 701	Wednesday, March 2, 2005	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

ANNOUNCEMENTS

Senator D. Pederson designates LB 66 as his priority bill.

Senator Johnson designates LB 470 as his priority bill.

MESSAGES FROM THE GOVERNOR

February 10, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Commission for the Deaf and Hard of Hearing.

APPOINTEE:

*Daniel R. Darnall, 115 N 33rd Street #2, Omaha NE 68131

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosure

*Reappointment

February 10, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed as Chief Information Officer.

APPOINTEE:

Brenda L. Decker, 1811 Urbana Lane, Lincoln NE 68505

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

GENERAL FILE

LEGISLATIVE BILL 126. Senator McDonald renewed her pending amendment, AM0086, found on page 499.

SPEAKER BRASHEAR PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 35, 36, and 37 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 35, 36, and 37.

GENERAL FILE

LEGISLATIVE BILL 126. The McDonald pending amendment, AM0086, found on page 499 and considered in this day's Journal, was renewed.

Pending.

AMENDMENTS - Print in Journal

Senator Fischer filed the following amendment to LB 126:
AM0400

- 1 1. Insert the following new section:
- 2 "Sec. 48. Section 79-1092, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 79-1092. All money arising from any source whatever
- 5 which is payable to the school fund of any city of the primary
- 6 class or city of the first class which may become a city of the
- 7 metropolitan class, or any money which is required to be set apart
- 8 by the treasurer of any such city for the support and maintenance
- 9 of any school in such city, shall be payable to the treasurer of
- 10 the school district and shall be used only for the purposes
- 11 specified in sections 79-409, ~~79-476~~, 79-522, 79-535 to 79-537,
- 12 79-552, 79-561, 79-562, 79-567, 79-573, 79-574, 79-583, 79-584,
- 13 79-592, 79-593, 79-1086, 79-1087, 79-1092, and 79-10,126."
- 14 2. On page 74, line 25, after the first comma insert
- 15 "79-476,".
- 16 3. Amend the operative date section so that section 48
- 17 added by this amendment becomes operative on its effective date.
- 18 4. Renumber the remaining sections and correct internal
- 19 references accordingly.

Senator Cunningham filed the following amendment to LB 118:
AM0317

(Amendments to E & R amendments, AM7001)

- 1 1. On page 3, strike beginning with "neither" in line 4
- 2 through line 5 and insert "not unreasonably deny such"; in line 6
- 3 after "shall" insert "be sent by certified mail and shall"; and in
- 4 line 8 after the period insert "The approval or denial of a request
- 5 made pursuant to this subsection shall be made in writing and sent
- 6 by certified mail within sixty days after receipt of the request.
- 7 If the supplier has not approved or denied the request within the
- 8 sixty-day period, the request is deemed approved.".

Senator Burling filed the following amendment to LB 126:
AM0415

- 1 1. Strike original section 5 and insert the following
- 2 new section:
- 3 "Section 1. Sections 2 to 4 of this act do not apply to
- 4 a school district which was a Class VI district on January 1, 2005,
- 5 and is a Class VI district on the operative date of this section
- 6 and the Class I districts which were a part of such Class VI
- 7 District on January 1, 2005, and which are a part of such Class VI

8 district on the operative date of this section."

- 9 2. Amend the operative date section so that section 1
- 10 added by this amendment becomes operative on its effective date.
- 11 3. Renumber the remaining sections and correct internal
- 12 references accordingly.

Senator Beutler filed the following amendment to LB 162:
AM0385

(Amendments to E & R amendments, AM7016)

- 1 1. Strike sections 1 and 18.
- 2 2. On page 22, line 1, strike "21, and 22" and insert
- 3 "19, and 20"; and in line 6 strike "37-201,".
- 4 3. Renumber the remaining sections accordingly.

Senator Fischer filed the following amendment to LB 126:
AM0100

- 1 1. Strike sections 5, 13, 18, 22, 25, 28, 44, and 47.
- 2 2. On page 3, line 3, strike "IV, and VI" and insert
- 3 "and IV"; strike beginning with "or" in line 5 through "part" in
- 4 line 6; in lines 13, 18, 24, and 28 strike "IV, or VI" and insert
- 5 "or IV".
- 6 3. On page 4, lines 2 and 20, strike "or" through
- 7 "part"; in lines 3, 5, 8, 11, and 18 strike "IV, or VI" and insert
- 8 "or IV"; and strike beginning with "or" in line 7 through "part" in
- 9 line 8.
- 10 4. On page 5, line 1, after "section" insert "and except
- 11 as provided in subsection (6) of this section"; in lines 6, 10, 13,
- 12 and 15 strike "IV, or VI" and insert "or IV"; in line 7 strike "or"
- 13 through "part"; and strike lines 26 through 28 and insert the
- 14 following new subsection:
- 15 "(6) This section does not apply to any territory of a
- 16 Class I district which is part of a Class VI district on the
- 17 operative date of this section."
- 18 5. On page 6, strike lines 1 through 3; in line 10 after
- 19 "act" insert "and except for any territory of any Class I district
- 20 which is part of a Class VI district"; in lines 10, 20, and 24 and
- 21 25 strike "IV, or VI" and insert "or IV"; strike beginning with
- 22 "To" in line 12 through line 16; and in line 26 strike "IV, and VI"
- 23 and insert "and IV".
- 24 6. On page 7, line 5, after the semicolon insert "and";
- 1 strike beginning with "all" in line 5 through "(iv)" in line 7; in
- 2 lines 7, 18, and 26 strike "IV or VI" and insert "or IV"; and in
- 3 line 27 strike "or a part".
- 4 7. On page 8, lines 6, 8, 11, 13, and 23, strike "IV, or
- 5 VI" and insert "or IV"; and in line 19 strike "(6)" and insert
- 6 "(5)".
- 7 8. On page 9, lines 6 and 23, strike "IV, or VI" and
- 8 insert "or IV"; strike beginning with "On" in line 9 through "(6)"
- 9 in line 22; in line 26 strike "(7)" and insert "(6)"; and in line

- 10 28 strike "(8)" and insert "(7)".
- 11 9. On page 12, lines 14 through 18, strike the new
12 matter and reinstate the stricken matter.
- 13 10. On page 13, reinstate the stricken matter beginning
14 with "For" in line 6 through the first "district" in line 8; in
15 line 11 after the stricken "system" insert "shall be considered to
16 include all taxable property and all elementary and high school
17 students within a school district"; reinstate the stricken matter
18 beginning with "which" in line 11 through the period in line 12; in
19 line 19 reinstate the stricken "(1)" through "in", after the
20 reinstated "in" insert "subsection", and reinstate the stricken
21 "(2)"; in line 20 reinstate the stricken "of this section, no" and
22 strike the new matter; and reinstate the stricken matter in lines
23 23 through 28.
- 24 11. On page 14, reinstate the stricken matter in lines 1
25 through 15.
- 26 12. On page 18, reinstate the stricken matter in lines 7
27 through 10 and 28.
- 1 13. On page 19, lines 1 and 3, reinstate the stricken
2 matter except for the stricken "Class II, III, IV, or V"; and
3 reinstate the stricken matter in lines 2, 4, and 5.
- 4 14. On page 24, line 15, strike the new matter.
- 5 15. On page 25, line 2, strike the new matter; reinstate
6 the stricken matter beginning with "the" in line 4 through "and" in
7 line 5; and in line 5 after the stricken "(7)" insert "(6)".
- 8 16. On page 26, lines 25 through 27, strike the new
9 matter and reinstate the stricken matter.
- 10 17. On page 37, lines 15 through 28; and page 38, lines
11 1 through 14, reinstate the stricken matter.
- 12 18. On page 54, line 28, after "the" insert
13 "associated".
- 14 19. On page 55, strike beginning with "of" in line 1
15 through "act" in line 3 and insert "thereof"; and in line 7 after
16 the underscored comma insert "a Class VI district and the
17 associated Class I districts or portions thereof or".
- 18 20. Amend the operative date and repealer sections,
19 correct internal references, and renumber the remaining sections
20 accordingly.

Senator Kremer filed the following amendment to LB 346:
AM0383

(Amendments to Standing Committee amendments, AM0284)

- 1 1. Strike amendments 1 and 2 and insert the following
2 amendments:
- 3 "1. Strike original section 11 and insert the following
4 new section:
- 5 'Sec. 11. The changes made in sections 77-5201, 77-5203,
6 77-5208, 77-5209, and 77-5211 to 77-5213 by this legislative bill
7 shall become operative for all credits earned in tax years

8 beginning or deemed to begin on and after January 1, 2006, under
 9 the Internal Revenue Code of 1986, as amended. For all credits
 10 earned in tax years beginning or deemed to begin, prior to January
 11 1, 2006, under the code, the provisions of the Beginning Farmer Tax
 12 Credit Act as they existed prior to such date shall apply.'

13 2. On page 4, line 7, strike 'section 6' and insert
 14 'sections 6 and 11'.

15 3. On page 6, line 22, strike 'and', show as stricken
 16 and insert 'The board'; and in line 26 before the period insert
 17 'and qualified beginning farmers and livestock producers as
 18 eligible for the tax credit authorized by section 6 of this act'.

19 4. On page 8, line 10, strike beginning with 'Beginning'
 20 through 'a' and insert 'A'; and in line 22 strike beginning with
 21 'Beginning' through 'an', show as stricken, and insert 'An'.

22 5. On page 10, line 28, strike the new matter and
 23 reinstate the stricken matter."

1 2. Renumber the remaining amendment accordingly.

Senator Flood filed the following amendment to LB 126:
 AM0418

1 1. Strike original section 5 and insert the following
 2 new section:

3 "Sec. 4. (1) Class I cooperative means two or more Class
 4 I school districts participating in a cooperative formed pursuant
 5 to an interlocal agreement under the Interlocal Cooperation Act
 6 prior to September 10, 2005. The interlocal agreement shall:

7 (a) Provide for a board composed of school board members,
 8 with at least one school board member from each member Class I
 9 school district; and

10 (b) Require the cooperative board to negotiate a common
 11 salary schedule for the teachers in all member Class I school
 12 districts.

13 Member Class I school districts shall not have territory
 14 that is a part of a Class VI system. The member Class I school
 15 district shall have had a combined fall membership for 2004-05 of
 16 students who were residents of the Class I school district in which
 17 they were enrolled of at least seventy-five students.

18 (2) On or before October 1, 2005, the cooperative board
 19 of each Class I cooperative shall certify to the Department of
 20 Education and each high school district with which property of
 21 member Class I school districts is affiliated an affidavit that the
 22 requirements of subsection (1) of this section have been met to
 23 form a Class I cooperative and a list of the member Class I school
 24 districts.

1 (3) All Class I school districts that are not members of
 2 a Class I cooperative as of September 10, 2005, shall be subject to
 3 sections 1, 2, and 3 of this act."

4 2. On page 3, lines 2 and 27; page 4, line 16; and page
 5 6, line 9, after "district" insert "that is not a member of a Class

- 6 I cooperative as defined in section 4 of this act".
- 7 3. On page 5, line 4, after "that" insert "is not a
- 8 member of a Class I cooperative as defined in section 4 of this act
- 9 and".
- 10 4. On page 6, line 18, after "board" insert "of a
- 11 district that is not a member of a Class I cooperative as defined
- 12 in section 4 of this act".
- 13 5. On page 12, line 14, after "twelve" insert "except as
- 14 provided in section 4 of this act".
- 15 6. On page 13, line 3, strike "By" and insert "Except as
- 16 provided in section 4 of this act, by".
- 17 7. On page 20, lines 18 and 19, strike the new matter
- 18 and insert "pursuant to this section".
- 19 8. On page 49, lines 21 and 28, strike "section 2" and
- 20 insert "section 2, 3, 5, or 6".
- 21 9. On page 54, line 28, after the comma insert "(i)" and
- 22 after "and" insert "both".
- 23 10. On page 55, line 1, strike "district" and insert
- 24 "districts"; in lines 3 and 6 after "2" insert "or 3"; in line 3
- 25 after the first "or" insert "and (ii)"; in line 6 after "act"
- 26 insert "and the associated Class I districts that are members of a
- 27 Class I cooperative as defined in section 4 of this act"; and in
- 1 line 8 after "district" insert "and any affiliated Class I
- 2 districts or portions of Class I districts that are members of a
- 3 Class I cooperative as defined in section 4 of this act".
- 4 11. On page 74, line 9, strike "5,"; and in line 12
- 5 strike "sections 79-102 and" and insert "section".
- 6 12. Renumber the remaining sections accordingly.

Senator Bourne filed the following amendment to LB 533:
FA22

Amend AM0238

On page 37 by striking lines 8 through 20.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Darnall, Daniel R. - Commission for the Deaf and Hard of Hearing - Health and Human Services

Decker, Brenda L. - Chief Information Officer - Government, Military and Veterans Affairs

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 66A. Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 66, Ninety-ninth Legislature, First Session, 2005.

LEGISLATIVE BILL 346A. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 346, Ninety-ninth Legislature, First Session, 2005; and to declare an emergency.

ANNOUNCEMENT

Senator Pahls designates LB 527 as his priority bill.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 503. Placed on General File as amended. (Standing Committee amendment, AM0380, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Elaine Stuhr, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Kopplin asked unanimous consent to have his name added as cointroducer to LB 64. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LBs 540 and 645. No objections. So ordered.

Senator Brown asked unanimous consent to have her name added as cointroducer to LB 755. No objections. So ordered.

VISITORS

Visitors to the Chamber were Gary Schultz from Lexington; former Senator Floyd Vrtiska from Table Rock; and 20 home educated eleventh- and twelfth-grade students and teacher from Lincoln and Omaha.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Foley, the Legislature adjourned until 9:00 a.m., Tuesday, February 15, 2005.

Patrick J. O'Donnell
Clerk of the Legislature